

To the Members of the California State Assembly:

I am returning Assembly Bill 2386 without my signature.

In 1975, the historical Agricultural Labor Relations Act (ALRA) was passed by the California Legislature in order “to ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations.” The ALRA allowed for a secret ballot election and provided protections so that an agricultural worker could decide privately without fear of retaliation or intimidation whether or not to be represented by a union.

AB 2386 creates a new and unique process for how agricultural workers choose or decline union representation. I am concerned that aspects of AB 2386’s novel process weaken workers’ existing privacy rights and protections under the ALRA. Specifically, I am concerned that authorizing the union seeking to represent workers to receive and distribute election ballots from the Agricultural Labor Relations Board (Board), complete information on the ballot envelopes, and return the workers’ ballots to the Board unnecessarily compromises the workers’ right to privacy protected by the existing secret ballot process.

However, as I indicated last year in my veto of SB 180, I remain committed to ensuring that agricultural workers receive all the workplace protections that our labor laws afford. To that end, I am calling for the creation of a dedicated funding source to facilitate enhanced oversight and education in the agricultural industry. I am directing my Labor and Workforce Development Agency to work with the proponents of this bill and all stakeholders to develop a proposal which will create such a program in a fiscally responsible way, for the ultimate benefit of both agricultural employees and employers.

Sincerely,

Arnold Schwarzenegger